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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
10

11 SALVADOR NAVARRO, an
individual,
12
Plaintiff,
13
v.
14 DHL GLOBAL FORWARDING, a
15 California business, form unknown; and
DOES 1 through 50, inclusive,
16
Defendants.
17

CASE No.

NOTICE OF REMOVAL

18 Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Air Express
19 International USA, Inc., d/b/a DHL Global Forwarding ("DHL") gives notice that it
20 is removing Civil Action No. BC577056, now pending against DHL in the State of
21 California, County of Los Angeles. The grounds for removal are as follows:
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23

24 1. On April 10, 2015, Plaintiff Salvador Navarro ("Plaintiff") filed a
25 Complaint in the Superior Court of the State of California, County of Los Angeles, a
26 copy of which is attached as Exhibit A.
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1 2. DHL was served with the Complaint on or about July 2, 2015. A copy
2 of the Summons is attached as Exhibit B.

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4 3. The attached documents represent all service of process, pleadings, and
5 other documents served upon DHL in this action as required by 28 U.S.C. § 1446(a).

6 4. Because this Notice of Removal is filed within thirty (30) days of
7 service of the Complaint on DHL, it is timely under 28 U.S.C. § 1446(b).

8
9 5. Plaintiff Salvador Navarro is a resident of the State of California.

10 6. DHL's legal name is Air Express International USA, Inc. ("AEI").
11 AEI does business as DHL Global Forwarding. Air Express International USA, Inc.
12 is a Corporation that is incorporated in the State of Ohio, with its principal place of
13 business in the state of Florida.

14
15 7. A complaint filed in California court only requires the Plaintiff to
16 indicate whether the Plaintiff seeks an unlimited (excess of \$25,000.00) or limited
17 (\$25,000.00 or less) in damages. Plaintiff Salvador Navarro seeks unlimited
18 damages in the present case. (Ex. A, Civil Cover Sheet).

19
20 8. District courts have original jurisdiction of all civil actions where the
21 matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest
22 and costs. 28 U.S.C. § 1332(a). District Courts are permitted to consider whether
23 the amount in controversy is facially apparent from the complaint. *Abrego v. Dow*
24 *Chem. Co.*, 443 F.3d 676, 680 (9th Cir. 2006), *quoting Singer v. State Farm Mut.*
25 *Auto. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997).

1 9. Plaintiff's Complaint includes claims for intentional infliction of
2 emotional distress, wrongful termination, violation of Unfair Business Practices Act,
3 age and disability discrimination, failure to reasonably accommodate, failure to
4 engage in the interactive process, and failure to take all reasonable steps to prevent
5 discrimination, retaliation and violation of California Labor Code Sec. 1102.5. (Ex.
6 A, pp 4-15).
7
8

9 10. Plaintiff seeks relief in the form of compensatory damages, including
10 but not limited to, lost earnings and other benefits of employment, emotional
11 distress, and the tripling of all actual damages pursuant to Civil Code section 52,
12 Subdivision (a) and (h). (Ex. A, Prayer for Relief). Plaintiff also seeks relief in the
13 form of statutory attorney's fees and pre-judgment interest. (Ex. A, Prayer for
14 Relief).
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16

17 11. California District Courts have found that a complaint asserting these
18 types of claims and seeking this type of relief seeks damages in excess of
19 \$75,000.00. *Simmons v. PCR Tech.*, 209 F. Supp. 2d 1029 (N.D. Cal. 2002).
20

21 12. Given the nature and number of Plaintiff's charges, and his demand for
22 lost earnings and other benefits of employment, emotional distress damages, the
23 tripling of all actual damages, statutory attorney's fees and pre-judgment interest,
24 the Complaint seeks damages in excess of \$75,000.00.
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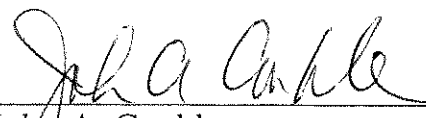
1 13. Venue for this removal action is proper before this Court pursuant to 28
2 U.S.C. § 1441(a) because this is the Court for the district and division embracing the
3 place where the state court action is pending.
4

5 14. Promptly upon filing this Notice of Removal with the Court, DHL will
6 provide written notice of this removal to Plaintiff and will also file a copy of the
7 notice with the Clerk of the Superior Court of the State of California, County of Los
8 Angeles.
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10 WHEREFORE, DHL respectfully gives notice that this action is
11 removed from the Superior Court of the State of California, County of Los Angeles
12 to the United States District Court, Central District of California.
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16 Dated: July 21, 2015

John A. Conkle
Emil Davtyan, members of
CONKLE, KREMER & ENGEL
Professional Law Corporation

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19
20 By: 
21 John A. Conkle
22 Attorneys for Defendant, DHL Global
23 Forwarding
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